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7 **UNITED STATES DISTRICT COURT**

8 **DISTRICT OF NEVADA**

9 UNITED STATES OF AMERICA

10 Plaintiff,

11 vs.

12 OMAR QAZI,

13 Defendant

CASE NO: 2:15-cr-00014-APG-VCF

**COUNSEL'S MOTION TO WITHDRAW
AS STANDBY ATTORNEY OF RECORD
AND APPOINT ALTERNATE CJA
COUNSEL**

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16 LANCE HENDRON, ESQ., as counsel for Defendant Omar Qazi, hereby moves this court
17 for leave to withdraw as counsel to Mr. Qazi and allow Mr. Qazi to be appointed alternate CJA
18 counsel or, in the alternative, to proceed on appeal without assistance of counsel.

19 This Motion is based upon the pleadings and papers on file herein, the attached
20 Memorandum of Points and Authorities, and any colloquy entertained at a date and time set for
21 hearing on this matter.
22

23 DATED this 27th day of June, 2017.

24 By: /s/ Lance Hendron
25 Lance J. Hendron, Esq. (#011151)
26 625 S. Eighth St.
27 Las Vegas, NV 89101
28 Attorney for Defendant

MEMORANDUM OF POINTS AND AUTHORITIES

1. Good Cause Exists to Permit Withdrawal

According to the Nevada Rules of Professional Conduct (“NRPC”), Rule 1.16, an attorney may withdraw from representation according to the following circumstances:

(1) Withdrawal can be accomplished without material adverse effect on the interests of the client;

...

(7) Other good cause for withdrawal exists.
NRCP Rule 1.16(b)(1),(7).

NRCP 1.16(c) requires that “A lawyer must comply with applicable law requiring notice to or permission of a tribunal when terminating representation.” This Rule is reflected in the Nevada District Court’s Local Rule LR IA 11-6(b): “No attorney may withdraw after appearing in a case except by leave of the court after notice has been served on the affected client and opposing counsel.” Additionally, Local Rule LR IA 11-6(e) states as follows:

Except for good cause shown, no withdrawal or substitution will be approved if it will result in delay of discovery, the trial, or any hearing in the case. Where delay would result, the papers seeking leave of the court for the withdrawal or substitution must request specific relief from the scheduled discovery, trial, or hearing. If a trial setting has been made, an additional copy of the moving papers must be provided to the clerk for immediate delivery to the assigned district judge, bankruptcy judge, or magistrate judge.

In addition, a defendant has the right under the Sixth and Fourteenth Amendments to the United States Constitution to waive counsel and represent him. *Faertta v. California*, 422 U.S. 806, 835, 95 S. Ct. 2525 (1975).

Here, good cause clearly exists. Mr. Qazi has been granted leave by this court to proceed pro se; undersigned counsel is merely appointed on a stand-by basis to assist Mr. Qazi if and when needed. Mr. Qazi directs him to file a motion for counsel to withdraw.

Mr. Qazi has indicated he would better served if he is allowed to pursue a relationship with alternate counsel, specifically Nevada counsel, William Gamage, Esq. (a CJA member) with whom he may be able to reach a more meaningful, cooperative relationship. Current counsel spoke

1 with Mr. Gamage and he has no objection to being appointed to this matter through CJA.
2 Furthermore, allowing undersigned counsel to withdraw and either appoint alternate counsel will
3 work no prejudice or delay on either Mr. Qazi, the Government, or this Court.

4 Furthermore, allowing undersigned counsel to withdraw will work no prejudice or delay
5 on either Mr. Qazi, the Government, or the Court. Mr. Qazi has already been granted leave to
6 proceed to trial pro se.

7
8 **CONCLUSION**

9 Based on the foregoing, to include counsel's declaration and the attached exhibit, good
10 cause exists to grant the Motion for leave to withdraw and appoint alternate CJA counsel.

11 DATED this 27th day of June, 2017.

12 By: /s/ Lance Hendron
13 Lance J. Hendron, Esq. (#011151)
14 Attorney for Defendant

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CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED by the undersigned that on 27th day of June, 2017, I served a true and correct copy of the foregoing on the parties listed on the attached service list via one or more of the methods of service described below as indicated next to the name of the served individual or entity by a checked box:

VIA U.S. MAIL: by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at Las Vegas, Nevada.

VIA FACSIMILE: by transmitting to a facsimile machine maintained by the attorney or the party who has filed a written consent for such manner of service.

BY PERSONAL SERVICE: by personally hand-delivering or causing to be hand delivered by such designated individual whose particular duties include delivery of such on behalf of the firm, addressed to the individual(s) listed, signed by such individual or his/her representative accepting on his/her behalf. A receipt of copy signed and dated by such an individual confirming delivery of the document will be maintained with the document and is attached.

BY E-MAIL: by transmitting a copy of the document in the format to be used for attachments to the electronic-mail address designated by the attorney or the party who has filed a written consent for such manner of service.

By: /s/ L. Hendron
An employee of LANCE J. HENDRON,
ATTORNEY AT LAW, LLC

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SERVICE LIST

ATTORNEYS OF RECORD	PARTIES REPRESENTED	METHOD OF SERVICE
DANIEL G. BOGDEN United States Attorney Alexandra Michael Assistant United States Attorney 333 S Las Vegas Blvd., 5 th Flr Las Vegas, NV 89191 Alexandra.M.Michael@usdoj.gov	State of Nevada	<input type="checkbox"/> Personal service <input checked="" type="checkbox"/> Email service <input type="checkbox"/> Fax service <input type="checkbox"/> Mail service
Omar Qazi 49760-048 Nevada Southern Detention Ctr 2190 East Mesquite Ave Pahrump, NV 89060		<input type="checkbox"/> Personal service <input type="checkbox"/> Email service <input type="checkbox"/> Fax service <input checked="" type="checkbox"/> Mail service